

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

ROBERT NEEDHAM,

Plaintiff,

v.

Case Number 04-10149-BC  
Honorable David M. Lawson

THE ROHO GROUP,

Defendant.

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**ORDER STRIKING PLAINTIFF'S SUPPLEMENTAL BRIEF**

On April 7, 2006, the plaintiff filed a supplemental brief in opposition to the defendant's motion for summary judgment. The brief, which is one page long, is accompanied by forty-three pages of deposition transcript. The brief does not cite to any part of the deposition, stating only that the deposition is submitted "as supplementary to Plaintiff's argument." This submission does not assist this Court in deciding the summary judgment motion. Indeed, it is "utterly inappropriate for the court to abandon its position of neutrality in favor of a role equivalent to champion for the non-moving party: seeking out facts, developing legal theories, and finding ways to defeat the motion." *Guarino v. Brookfield Twp. Trustees*, 980 F.2d 399, 406 (6th Cir. 1992). The Court has neither the resources nor the obligation to search pages of deposition transcript for support for the plaintiff's position. "Neither the trial court nor appellate court . . . will *sua sponte* comb the record from the partisan perspective of an advocate for the non-moving party." *Id.* at 410. In addition, the scheduling order entered for this case on September 23, 2004 states that citations to deposition testimony "should have page and line references." Case Management and Scheduling Order at 3.

Furthermore, the plaintiff failed to seek the Court's permission prior to filing his supplemental brief. Local Rule 7.1 governs motion practice in this Court. The rule allows for a

response to be filed in opposition of a motion, and a reply may be filed to that response. E.D. Mich. LR 7.1(d). The rule does not allow for supplementary briefs absent leave of court. *See* E.D. Mich. LR7.1(f). For these reasons, the plaintiff's supplemental brief will be stricken from the record.

Accordingly, it is **ORDERED** that the plaintiff's supplemental brief [dkt # 196] is **STRICKEN**. The document in the court file shall be deemed "STRICKEN," denominated as such on the docket sheet, and deemed not a part of the record of this case.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: April 11, 2006

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 11, 2006.

s/Tracy A. Jacobs  
TRACY A. JACOBS